



Identity Theft Resource Center

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Fact Sheet 112 (formerly 17J): Enhancing ID Theft Victim – Investigator Communications

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ENHANCING ID THEFT VICTIM – INVESTIGATOR COMMUNICATIONS

Tools for Identity Theft Victims

Note: Please see Fact Sheets 17(a) and #106 (Organizing Your Case) at www.idtheftcenter.org for step-by-step action guides. The goal of the following information is to enhance your working relationship with law enforcement and credit investigators.

This guide includes:

Why it Seems Like the Victim Does All the Work

First Steps: Prior to Talking with the Investigator

Sample Summary/Narrative

Making Your Report to the Police

Behind the Scenes of an Investigation

Evidence Issues

What You Can Do To Help Your Investigator

One of the most common complaints we receive from identity theft victims is that they feel that law enforcement just doesn't care. Many also complain that fraud investigators at banks and credit card companies don't appear to have their best interest at heart.

You may be right. But this also may partially be due to "a failure to communicate." We all adjust our communication styles depending on the environment. At work we talk one way, at home we could cover the same topic in a variety of different ways. The same is true in crime investigations. Victims can become overly excited, overbearing and anxious.

Our victim support counselors have often listened to a victim talk about his or her case for 15 or 20 minutes -- without being told the pertinent facts or what the victim needs from us. That's why we are there, to provide the emotional outlet you might need. However, when you talk with a credit investigator or member of law enforcement, your communication style needs to adjust to *their* needs.

The bottom line is that law enforcement *does* want to put the bad people behind bars or they would not work in this field. Likewise, banks, credit card companies and merchants don't want to keep losing money to imposters.

This fact sheet will help you state your case in a way that is most useful to the police and to fraud investigators at financial institutions. The tips in this sheet will help you to focus on the pertinent facts and see your case the way they do. As Sgt. Joe Friday said on *Dragnet*: "The facts, just the facts."

WHY SHOULD I HAVE TO DO MOST OF THE ORIGINAL WORK?

Fraud crimes are very complicated. The person who knows the facts and details of this case best is YOU.

The ability to solve these crimes is usually contained in the details. When one person tells another person a story, especially a complicated story, the person hearing the story usually gets a rough sketch of the story. This is often what happens when a police officer takes a fraud report from a victim who may not understand which points are the most important to the case and which points really can be left for another time or are just not relevant. After all, most of us are not professional investigators.

The result is that a detective may determine that the case is not workable, when in fact it may be. This is why we suggest that you, as the victim, take the time to write down the story of how you became a victim. By writing down the story, you will also outline and organize the case in your mind so that you can easily tell the story quickly.

FIRST STEPS:- PRIOR TO TALKING WITH THE INVESTIGATOR

1. Prior to talking with an investigator, start a journal so that you can record details as they occur.
2. Rough Draft: The next step is to outline the story, in chronological order, exactly the way that you discovered it. Put down anything you think is important. Don't censor your thoughts. You'll edit it later. For now, just put the information on paper. In the story, there are certain things that are very important to include.
 - How you first discovered the fraud/theft – whom told you and under what circumstances.
 - Any clues you may have as to the identity of the imposter – not guesses, but hard facts.
 - Locations (exact addresses) of where fraudulent applications were signed/submitted presented in your name.

- Locations (exact addresses, including department of store) of where the fraudulent activity occurred and/or purchases were made.
 - Locations (exact addresses) where goods, services, utilities were delivered to in your name.
 - Locations listed as home addresses on those applications.
 - Telephone numbers listed on all applications and orders.
 - Names used either as primary or secondary account holders.
 - The entire account number of any accounts that are referred to in the story.
 - The full name, address, phone number and date of birth (if you have it) of any person referred to in the story.
 - The names of any companies, investigators or customer service representatives, phone numbers, emails and fax numbers of anyone you have contacted about a potential fraud. Include what dates and time you spoke to them and a brief summary of the conversation. You should ask each of these people for a letter to include in your file.
 - Photocopies of any letters, account statements, or correspondence received by you regarding this case.
3. Working draft: Now write a concise narrative, removing any emotional response (for example, “He was very rude to me on the phone”). This draft will lengthen as you uncover more information. [See example that follows.]
4. Be sure to include the following information in the opening section of your outline. We realize this may feel invasive, but you must provide this information if you want help.
- First, middle, and last name
 - Any prior names you had that may be involved in the crime
 - Date of birth (DOB)
 - Home and business address
 - Home, business, cell phone, and pager numbers
 - Driver’s license number
 - Social Security number
5. These notes are now the basis of your discussion with any investigator. You have outlined the main details and have documented your case. Please note: You would give all these details to law enforcement. Credit card company investigators are primarily interested in their own company, but may ask about other accounts that were opened. Police investigators will also use this outline to help them determine where evidence might be found and whom to contact to receive it.

EXAMPLE OF VICTIM SUMMARY or NARRATIVE

Name: Bob Victim DOB: 10/04/44 DL# C0000000 SSN 111-11-0000.
I live at 1000 S. Main St. #115, Anytown, CA 90250
Home phone 555-555-5454, wk phone 555-555-5544
Email 000000@buzz.com

Best time to reach me- 6-9 pm at home

I have lived there 4 years 3 months. I am retired, so I do not have a business address or phone number.

Discovery of fraud:

On 11/15/99, I received a phone call from Gary Woods at ABC Collections (800-555-5555). Woods told me that I owed American Express \$17,000 and that the account had been sent to his collection agency. I told Woods that I do not have an American Express card, nor have I ever had one. Woods said that he would send me a letter in the mail.

Activity to date (in chronological order):

- On 11/18/99, I received the letter from ABC Collections, a copy of which is attached. The letter indicated that Bob Victim had opened American Express account 1234567890123456, and had accumulated \$17,000 worth of charges.
- On 11/18/99, I called American Express at 800-555-1234 and spoke to Betty Jones. Jones told me that the account was opened on 08/15/99 and all the charges were made within two weeks of the account being opened. Jones said that she would not be able to provide me with a copy of the statements, as I was reporting it as fraud. She said that she would send me an Affidavit of Forgery to complete and return to her. She told me that the bills were mailed to 123 Main Street, Center City, Ca. 90001 and my home telephone number listed on the application was 001-555-1212. Application made by telephone.
- On 11/18/99, I contacted Experian at 888-397-3742 and requested a free copy of my credit report, as I had been a victim of fraud. I put a fraud alert on my report. On 11/22/99, I received the copy of my credit report from Experian (in file).
- On 1/15/00, I found out that a cell phone was ordered in July 1999, 5 months ago, from Pacbell Mobile. Received final collection notice. Contacted fraud department, spoke with Gina Hicks at 555-777-8888. She finally confirmed that George Bell opened the account with his name and my SSN. After receiving a note from me, sent me copy of application (in file). Account closed by my request on 1/15/00. Application done at a PacBell Store -- signature forged.
- Contacted CA DMV on 11/25/99 to flag my driver's license. They said that no one has applied for a duplicate license in my name nor tried to change the address on the license.

Affected Accounts: There are three credit cards that I have never opened on the Experian report.

- | | |
|---|---------------------------|
| • American Express account 1234567890123465 | \$ total charges to date |
| • Visa account 2345678901234567 | \$ total charges to date |
| • Discover account 4567890123456789. | \$ total charges to date. |

Facts about the imposter:

- I believe that my identity was stolen from an application for a cell phone because I used my middle initial, which I have not used on any other applications in the last 2 years. The thefts started within 2 weeks of my filling out the application and all used that same middle initial.

- Or – I believe that my information was stolen when I left my purse unattended at a party at New Years. I was carrying my birth certificate that day, and that may have been how they found out about my mother's maiden name and birth location. No one ever remembers the city where I was born because it is such a small town.
- Or – I don't know how they got my information. I've filled out about 15 rent applications, 3 utility applications in the last few months and go to school where they use my SSN as my ID number (*This gives the police a starting point*).
- Or – Union Bank, La Mesa branch mgr., said that the imposter showed a driver's license to withdraw money from my account. Fraud investigator Matt Scott, 555-773-3388, said they may have videotape on the activity.

MAKING YOUR REPORT: – LISTEN, QUESTION

Law enforcement officers carry large caseloads. They need to get the information as quickly and as accurately as possible. After all, the point is for them to catch the bad guys, not spend the afternoon with you. Remember Joe Friday -- The facts, just the facts.

1. Listen and Participate.

- Give the investigator a paper copy of the narrative you have prepared (example above). This may save everyone some time and avoid forgotten details. Find out a secure way to send a copy to them if you only talk by phone.
- Listen to the questions asked and direct your answers to those questions. Usually investigators have a specific form that they need to fill out. A great deal of time and experience has gone into this form. It is designed to cover all the information, without details falling between the cracks. You may have more to tell them, but let them lead the way.
- If there is an area you feel has been left out once the preliminary form has been completed, NOW is the time to add the details you feel are relevant. If you give them the outline, you can just point out the area.
- Provide copies of any documentation you have. Let the investigator know of any evidence you think might be available.

2. Question and Communicate. Write down any questions that you want to remember to ask your investigator prior to his/her arrival or phone call. Take notes. The more you know about this process, the better prepared you will be.

- What are their procedures from this point forward? What are their priorities on the case?
- How many cases are they handling right now? (This gives you an idea of how much time they can dedicate to your case).
- How long do their investigations normally take?
- Will you always have the same investigator on the case? (You want to know whom you can always contact.)
- What should you do if you find out more information that may help them, or what to do if you get another collection notice? Should you call, email or mail it to them?
- How soon until you can get a copy of the police report (or a letter of investigation from a credit card company)? What are the procedures for getting it?
- When will you hear from them next?

- What can you be doing in the meantime? Is there something you can do to move things along faster?
- Is there any action you might take that would harm the case?
- What chance does the law enforcement officer think they have in catching this person? (Maybe you need to reestablish your priorities. For example, instead of thinking about taking this case all the way to court, maybe you need to just focus on cleaning up the mess.)
- Can they provide any written documentation you can use to show you are not the imposter (for instance a letter of clearance)?

BEHIND THE SCENES IN SOME LAW ENFORCEMENT FRAUD DIVISIONS

- The first thing that will happen is that your case will be referred to a fraud investigator. Depending on caseload size, this might take several days.
- You will be called and told who will be covering your case. You may be interviewed by phone or asked to come in. If this is not possible due to work or distance, tell them so and try to arrange for an alternate way to gather information.
- The detective will triage your case by reading the initial report, trying to determine the potential of moving forward with the case. Remember: the better you *communicate* the crime, the better the *opportunity for action*.
- As time permits, the detective will start to gather evidence IF they think there is a chance that they can make a case and find the imposter.
- Your case will sit in a pile of other cases. Detectives rarely work on one case at a time. Many times your case will sit while they wait for a credit card company to send them the official copy of a fraudulent application or while they wait for someone from the bank to return a call. Some banks and credit card companies take several weeks and several reminder calls before sending out requested information.
- The detective might have to get a court order to get information; that will take additional time.
- Your case might also get put on a back burner if a detective is given a case where the criminal has just been arrested. Many states have laws regarding a 48-hour rule. This means that the officer has one day to put together a case to present to the prosecutor on a suspect who has been arrested so the suspect can be arraigned on the charges within the second court day of his arrest. If not, the suspect must be released and cannot be re-arrested for the exact same incident at a later date. So those always have priority.
- Detectives rarely close an open case. It may seem like nothing is happening but they do have your case in the back of their minds. Sometimes cases may sit months with no activity and suddenly the imposter does something foolish and evidence is found to tie them to the case.

On a personal note: I knew the person who stole my identity. The police got a search warrant within three weeks of my first report to them. During the search they gathered more than 3 boxes of evidence. It took 11 months for them to sort that information, get official copies of documents and build a solid case before it went to arraignment. I was not thrilled, to say the least. I feared she would skip town and all would be lost. She didn't leave town, and is now a convicted felon. The moral: Even the most clear-cut cases take time.

EVIDENCE ISSUES

What might seem to you to be clear-cut evidence might not help your case due to various evidence laws. Law enforcement must clearly prove a *chain of evidence* that connects the crime to the imposter. These examples might help you see the problem. For a more detailed look at “The Evidence Trail,” please read Fact Sheet 114.

1. “I threw some old checks in the trash. I saw the person who took them out. He lives 3 doors down the street. Why won’t you arrest him?” Taking paper from your trash does not prove that this person passed the bad checks. The police must have conclusive proof. Examples include a witness or videotape of the transaction that attests to the identity of the person writing and passing the bad checks.
2. “The only place I left an application with my middle initial was at the phone company. It must be the employee who took the info.” Again, the police must prove that the person who received the information either sold it or used it herself to commit a crime.
3. “The thief used a credit card to get a computer. I know the address it was delivered to.” The police must prove that the person receiving the merchandise committed the crime. Haven’t you ever had a package delivered to you that you didn’t order? The address listed might also be a temporary address, inhabited only a few days. The criminals might be long gone by the time you find out.
4. “I know the person who took my identity. He stayed at my house a couple of days.” The police must first prove that you didn’t give the suspect permission to take the info and that this “friend” actually committed the crime. That means videotapes, talking with store clerks, comparing signatures on applications and credit slips, etc.
5. A criminal uses your stolen driver’s license. Police have to prove that he/she knowingly used false ID. The imposters may claim, “I must have picked this up from the bar instead of my own. I thought it was mine.”
6. Getting the paperwork for court orders for evidence takes time and must be done with a limited focus. It is not unusual for an investigator to call several times over several weeks to get one application form from a utility company.
7. Many times documents that are requested are archived on microfilm by the credit issuers or utilities. This adds time to the retrieval process.

WHAT YOU CAN DO TO HELP YOUR INVESTIGATOR

This is their case. They must be in charge of the investigation, or you could taint the case.

However, you can ASK how you might help and work *with* them. Remember, however, that your theft is not their only case. Please respect their time and be succinct in your phone calls. Get right to the point. Finally, rudeness never works. They don’t deserve your anger and it does not give anyone incentive to work harder for you. Usually, law enforcement is as frustrated as you are when they hit a wall in a case. Credit card and bank investigators want to retain you as a valuable customer. Identity theft cases are slow and may take months to complete.

1. Keep updating your outline, documenting your case.
2. Contact the detective when you have new evidence, but no more than once a week during the active period of the case.
3. Contact your detective once every 3 - 4 weeks even if you don’t have evidence to share. Do NOT telephone them more frequently than this. Ask about the status of the case.

4. Don't use law enforcement or investigators as a therapist or a person to dump emotional frustration on.
5. Ask what you can do to help move the case forward. Is there anything they are waiting for? Maybe a call to your fraud contact at the bank or credit card company might help.

SOME FINAL THOUGHTS

As much as we would like them to, most ID theft cases do not end in arrest. Usually, this is not the fault of law enforcement; they are overworked and understaffed. Leads may not pan out, and evidence we thought might be perfect doesn't prove a case.

We hope that by following the advice we have provided, your case will end in an arrest and conviction. Should it not, however, please know you did everything humanly possible. And please note that many detectives leave unsolved cases on their desk hoping that sometime, somehow, a new piece of evidence will finally prove to be the imposter's undoing.

Until legislation is passed and industry practices are changed such that the crime is more difficult and less appealing to commit, criminals will continue to commit identity theft. Hopefully, your state is one that has passed laws that help you to clear your records and provide assistance for any emotional distress or financial loss you have incurred.

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